

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Michael Bradford,

*On behalf of himself and those similarly
situated,*

Plaintiff,

v.

Team Pizza, Inc., *et al*

Defendants.

Case No. 1:20-cv-60

Judge Michael R. Barrett

Magistrate Judge Karen L. Litkovitz

PLAINTIFFS' EXPEDITED¹ MOTION TO AMEND PLAINTIFFS' MOTION TO
SUBSTITUTE NAMED PLAINTIFF

To get this case moving and prevent further delays, Plaintiff Michael Bradford agrees to continue as a named plaintiff and, should the Court certify a class, act as a class representative. He believes that his circumstances are now such that he can fulfill the responsibilities of a class representative.

That said, Plaintiffs still believe it would benefit the putative class to add potential representatives William Howell and Donna Uhler as named plaintiffs. Thus, Mr. Bradford asks simply to amend his Motion to Substitute as to *add* Mr. Howell and Ms. Uhler rather than *substitute* them.

¹ Plaintiffs ask that this motion be considered on an expedited basis so that this case can proceed, and Defendants stop using Plaintiffs' Motion to Substitute as an excuse to refuse to respond to discovery requests.

Background and Argument

On June 3, 2024, Plaintiffs moved to substitute Mr. Howell as the named plaintiff in this case because Mr. Bradford did not respond to his counsel's attempt to contact him. Doc 84.

Shortly after Plaintiffs filed their motion to substitute, Mr. Bradford regained his ability to communicate with counsel.² Doc. 91-1. He also responded to Defendants' discovery requests. At the time (July, 2024), however, Mr. Bradford felt that he was not in a position to properly lead the prosecution of this case. *Id.*

Rather than consent to what should have been a routine motion to substitute, Defendants seized the opportunity to derail the case from adjudication on its merits and start satellite litigation aimed at preventing anyone from prosecuting this case. *See* Defendants' Cross-Motion to Dismiss, Doc. 87.

To date, Defendants continue to refuse to respond to discovery, claiming that there is not a "named plaintiff." *See* Defendants' Responses and Objections to Plaintiff's Second Requests for Production of Documents, Doc. 109-2. This is contrary to the fact that Mr. Bradford, unless and until the Court grants his motion to substitute, remains the named plaintiff. It is also contrary to Defendants' own argument that each opt-in plaintiff is a "party plaintiff," which Defendants claim entitle them to mini, individual trials. *See* Defendant's Position Paper, Doc. 82.

After consulting with his counsel and considering his current personal circumstances, Mr. Bradford is willing to continue to serve as a named plaintiff. *See* Declaration of Michael Bradford (attached hereto as "Exhibit A").

² This case is about whether low-wage workers were paid minimum wage. It should not surprise anyone that, on occasion, minimum wage workers occasionally lose access to basic services like phone, email, and internet.

For purposes of judicial economy, and to ensure this case proceeds without interruption, Plaintiffs respectfully request that Plaintiffs be permitted to Amend their Motion to Substitute Named Plaintiff to *add* Ms. Uhler and Mr. Howell as named plaintiffs instead of *substituting* them as named plaintiffs.

Plaintiffs and the individuals they seek to represent are low-wage delivery drivers seeking unpaid wages and damages for expenses they incurred years ago. They have an interest in this litigation moving towards a resolution as quickly as possible. Adding Ms. Uhler and Mr. Howell to act as named plaintiffs alongside Mr. Bradford will serve the interest of efficiency and judicial economy, as their experiences can bolster the representation of the class, remove perceived hurdles to discovery (*i.e.*, resolve Defendants' opposition to responding to discovery because the Plaintiff's Second Discovery Requests were propounded by Mr. Bradford rather than Donna Uhler or William Howell), and shield against the potential of one of the plaintiff's life circumstances causing an interruption in the litigation in the future.

Additionally, Plaintiff incorporates his arguments related to substituting named plaintiff contained in Docs. 84, 91, 92, 95, 96, and 105 and applies them as applicable to adding Ms. Uhler and Ms. Howell to serve alongside Mr. Bradford.

Respectfully submitted,

/s/ Emily Hubbard

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